

Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for the
Cemex Black Mountain Quarry Plant EMSW Conversion Facility
SWIS No. 36-AA-0484
July 5, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the San Bernardino County Department of Public Health Environmental Health Division Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit for Cemex Black Mountain Quarry Plant EMSW Conversion Facility, SWIS No. 36-AA-0484, located in Apple Valley and owned and operated by Cemex Construction Materials Pacific, LLC (Cemex).

The proposed permit was received on July 1, 2016. Action must be taken on this proposed permit no later than August 30, 2016. If no action is taken by August 30, 2016, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

The following are the key design parameters of the proposed project:

	Proposed Permit
Operator	Cemex Construction Materials Pacific, LLC
Owner	Cemex Construction Materials Pacific, LLC
Facility Type	Engineered Municipal Solid Waste (EMSW) Conversion Facility
Proposed Hours/Days of Operation	24 hours per day, 7 days per week including all holidays
Proposed Maximum Tonnage	500 Tons per Day of EMSW
Proposed Traffic Volume	30 Vehicles per Day (delivering EMSW)
Proposed Area (acres)	0.35
Storage Limit	3500 Tons of EMSW on site at any given time
Waste Types	EMSW, waste tires, and biomass

Background

Cemex Black Mountain Quarry Plant is an existing cement production plant operating since 1908. The operator proposes to operate an EMSW Conversion Facility within the boundaries of the cement plant. The operator proposes to supplement coal and natural gas fuels with EMSW to manufacture cement. The cement plant currently utilizes waste tires and biomass as alternative fuels to manufacture cement.

Findings:

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

Public Resources Code (PRC) and 27 CCR Sections	Findings	
PRC 40131.2(a) Eight Part Test to Meet EMSW Requirements	The LEA found the facility qualified as an EMSW Conversion Facility in their permit submittal letter received on July 1, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter received on July 1, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	This is a proposed new facility so a Permit Review Report is not required.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 1, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 1, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated June 2, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Public Resources Code (PRC) and 27 CCR Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff has determined that the design and operation as described in the submitted Transfer Processing Report (TPR) will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 1, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on April 27, 2016. One written comment was received by LEA. No written comments were received by Department staff. No oral comments were received by LEA staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The LEA and Permitting & Assistance Branch staff conducted a site visit on April 27, 2016, and have determined that the design and operations described in the submitted Transfer Processing Report will allow the proposed facility to comply with State Minimum Standards.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Bernardino County Department of Public Works, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The issuance of the proposed SWFP will authorize the following: operation of an Engineered Municipal Solid Waste Conversion Facility with a maximum permitted

tonnage of 500 tons per day (TPD) of EMSW, operating 24 hours per day, seven days per week. This project is supported by the following environmental document.

A Negative Declaration (ND), State Clearinghouse No. 2014111069, was circulated for a 30-day comment period from November 25, 2014, to December 24, 2014.

The San Bernardino County Environmental Health Division (LEA), has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA record and recommends the ND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 27, 2016, at the Apple Valley Town Convention Center in the City of Apple Valley. No members of the public were in attendance.

The LEA received one written comment letter with the public information meeting notice attached, but there was no specific comment to the facility. The comment letter made mention of support for protecting the environment.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 21, 2016. Department staff have not received any comments.